

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In The Matter Of:	)	
	)	
Broadband Industry Practices	)	WC Docket No. 07-52
	)	
	)	

To the Commission:

REPLY COMMENTS OF THE  
UNITED STATES INTERNET  
INDUSTRY ASSOCIATION ("USIIA")

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## **Introduction and Summary**

The US Internet Industry Association ("USIIA") submits these comments in reply to the more than 11,000 individual and organizational comments filed with the Commission in regard to the Notice of Inquiry adopted on March 22, 2007, regarding broadband industry practices.

USIIA notes that the filings, the majority of which were reported to be mass-produced missives produced on behalf of advocates of regulatory intervention, nonetheless failed to quantify or justify the need for such intervention in what is clearly a robust and competitive marketplace.

USIIA asks the Commission to maintain its tradition and highly successful policy of permitting consumers to make the relevant decisions in the marketplace without undue regulatory intervention, and to handle any exceptions that may occur with the powers already granted the Federal Communications Commission, the Federal Trade Commission and the US Department of Justice.

## **Statement of Standing**

USIIA is a national trade association of competitive companies engaged in Internet commerce, content and connectivity. Its members constitute a broad cross-section of the Internet industry, providing consensus on policy issues that breach the competitive interests of any single member or segment of the industry.

USIIA reaches its public policy positions through a process of consensus that is directed by a Board of Directors elected annually by the members of the Association. Those positions are based on the best interests of the majority of members and of the industry as a whole. These positions are not subject to the

whim of any single segment of the industry, and are not affected by financial arrangements, marketing agreements or other external forces.

As the appointed representative of its members charged with advancing their economic interests and assisting in achieving and maintaining their legal and competitive parity, and to continue to advocate for the expansion of broadband networks, USIIA has standing to file these comments.

## **Statements and Conclusion**

The US Internet Industry Association recognizes that despite the intensity of the comment cycle, little new information of relevance was added. In fact, Wired Magazine reported of the comments, “Most were filed at the urging of consumer and libertarian groups that provided sample letters.”<sup>1</sup>

Since the filing of USIIA’s comments, two additional major findings have been released that strongly support USIIA’s call for non-intervention into what is now a robust and highly competitive Broadband marketplace. Based on these, USIIA asks the Commission to note that:

- The Federal Trade Commission, the federal agency with both consumer protection and competition jurisdiction in broad sectors of the economy that include the broadband industry, concluded in that it is not aware of any significant market failure or demonstrated consumer harm from conduct by broadband providers.<sup>2</sup>
- A new study by researchers at Rensselaer Polytechnic Institute and presented to the IEEE on June 22, 2007, suggests that an Internet

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<sup>1</sup>“Thousands Petition Feds on Net Neutrality,” Wired magazine, June 19, 2007

<sup>2</sup> “Broadband Connectivity Competition Policy,” Staff Report of June 2007, at <http://www.ftc.gov/reports/broadband/v070000report.pdf>

where all traffic is treated identically would require significantly more capacity than one in which differentiated services are offered, thus directly harming the interests of consumers.<sup>3</sup>

- The existing powers of the FTC, FCC, and DOJ give them a considerable range of options for dealing with competitive issues in the event that any might arise.<sup>4</sup>

Despite the volume and intensity of the comments in response to the Notice of Inquiry, there remains no situation in the Broadband marketplace that requires a regulatory response from the Commission.

Respectfully submitted,

US INTERNET INDUSTRY ASSOCIATION

David P. McClure

President & CEO

Dated: July 16, 2007

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<sup>3</sup> “Value of Supporting Class-of-Service in IP Backbones,” Rensselaer Polytechnic Institute, at <http://www.ecse.rpi.edu/Homepages/shivkuma/research/projects/cos-support.htm>

<sup>4</sup> “Broadband Connectivity Competition Policy,” Staff Report of June 2007, at <http://www.ftc.gov/reports/broadband/v070000report.pdf>